

SEVENTEENTH DAY**MORNING SESSION**

Senate Chamber, Olympia, Wednesday, January 26, 2005

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Sheldon and Zarelli.

The Sergeant at Arms Color Guard consisting of Washington Air National Guardsmen Technical Sergeant Brian King, 141st Air Refueling Wing; Master Sergeant Jason Usher, 254th Red Horse Flight; Staff Sergeant James McCracken; and Staff Sergeant Mike Hanson, Western Air Defense Sector presented the Colors. The national award-winning trombone quartet composed of Washington Army National Guardsmen from the 133rd Army Band First Sergeant Rebecca Sharet; Staff Sergeant Thomas Lee; Sergeant Patrick O'Hara; and Sergeant Jeffrey Vogel performed the National Anthem. Washington Air National Guard Staff Chaplain, Christopher Lensch offered the prayer.

MOTION

On motion of Senator Eide, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

On motion of Senator Eide, the Senate advanced to the eighth order of business.

MOTION

Senator Schmidt moved adoption of the following resolution:

**SENATE RESOLUTION
8604**

By Senators Schmidt, Benson, Honeyford, Pridemore, Swecker, Oke, Delvin, Kline, Schoesler, Fraser, Parlette, Eide, Mulliken, Esser and Stevens

WHEREAS, Nearly eight thousand eight hundred men and women of the Washington National Guard comprised of Air National Guard and Army National Guard continue to serve the country as Guardians of American interests at home and abroad; and

WHEREAS, These recognized leaders in state, regional, and national preparedness who reside in every legislative district throughout Washington volunteer their time and personal efforts to serve the needs of the people of Washington state; and

WHEREAS, The Washington National Guard continues to answer the state's call in response to fire fighting, flood relief support, and other emergency efforts threatening public and private lands, and in protecting lives in both civil and natural disasters; and

WHEREAS, The Washington National Guard continues its promotion of positive lifestyles and activities for Washington's youth through involvement and support in highly effective drug prevention programs with school-aged children and community-based organizations; and

WHEREAS, The Washington National Guard continues an active participation in the state's counter-drug efforts by providing soldiers, airmen, and specialized equipment in support of seventy local, state, and federal law enforcement agencies; and

WHEREAS, The Washington National Guard adds value to communities by providing armories for public use that includes important community outreach programs and youth activities. The Washington National Guard continues to build upon these readiness centers/armories throughout the state to enhance education, add to quality of life, and increase economic vitality; and

WHEREAS, A majority of the major units and members of the Washington National Guard continue their federal active duty service in support of Operations Noble Eagle, Enduring Freedom, and Iraqi Freedom, conducting critical missions supporting the nation in the war on terrorism with dedication, valor, and courage, and at great personal risk and sacrifice; and

WHEREAS, Particular honor and reverence are due the memory of those Washington Guardsmen who paid the full measure of sacrifice, laying down their lives in the battle for freedom and liberty; and

WHEREAS, The families of guardsmen and women called to active duty are continuing their lives in support of their loved ones, with great hardship and challenge;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate express its thanks and appreciation to the devoted families and dedicated employers of our Washington National Guard soldiers and airmen for their support without which the Washington National Guard's missions could not be successful; and

BE IT FURTHER RESOLVED, That the Washington State Senate recognize the value and dedication of a strong Washington National Guard to the viability, economy, safety, security, and well-being of this state, both through the outstanding performance of its state emergency and disaster relief mission, and through the continued benefit to local communities by the presence of productively employed, drug-free, and well-equipped and trained Guard units and the readiness center/armories that house them; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Secretary of the Senate to the Adjutant General of the Washington National Guard, the Governor, the Secretaries of the Army and Air Force, and the President of the United States.

Senators Schmidt, Shin, Deccio, Rasmussen, Oke, Franklin, Mulliken, Jacobsen, Honeyford and Brandland spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8604.

The motion by Senator Schmidt carried and the resolution was adopted by voice vote.

PERSONAL PRIVILEGE

Senator Oke: "A point of personal privilege. Thank you very much Mr. President and Linda too. I want to thank the body for being so gracious to me over these months. It's been last year, a rough, rough year. Couple weeks ago I was at a down time and Judy brought over a box of cards and I sit for two hours and read through all your cards, letters and notes and it was a terrific pick me up I tell you. I know the prayers are with me. Every day's a new day for me. I don't know what I'm getting into, I'm on a new road and if you don't mind I'll give you just what's going to happen in the next few months so nobody will be guessing. Right now I'm in my first of four cycles of chemo every twenty-eight days I get a load of this stuff and this last time they had to give me four units of blood. So you that give blood continue

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to give blood because I don't know what's inside of me now but I feel a little younger. Talking about being younger, I've been here fifteen years and this man is the way I try to emulate and one of the things my office is right next to it and I want his office and I'm next in seniority but the sucker's still here so I don't know if I'm ever going to get in his office. But after the four cycles that I'm on are going to be over I hope we're all out of here and smiling and on with our own business and then I go through a stem cell transplant. They take what good cells in me, I don't know how they decide that freeze them, come along and if you're a farmer you'll understand this. They use round up or something else, kill everything else and for about two weeks I'm laying there like a vegetable praying that I don't get a cold or anything else and then they put the good ones back in and a couple more weeks hopefully I'm back on my feet and hopefully maybe I'll be able to enjoy some golf this year and some other things. If you don't mind, Mr. President, could I bring my wife out to the side here. I think she's over there somewhere. I'd like to say something. You know she has told me that I signed up a little bit more I can't see. She has signed up for better or for worse but putting on socks is not part of that job. She is just with me all day long and she's such a wonderful care giver and I wouldn't be here today without you. Some people say; 'Why don't you stay home Bob and not bother us?' Well, if I did that I'd be really sick. When I come here I see your smiling faces, I know that you have love for me as I have love for you and it really picks me up so keep me here as long as I can and God Bless each and everyone of you. Thank you."

PERSONAL PRIVILEGE

Senator Franklin: "A point of personal privilege. Thank you Mr. President. Well, Senator Oke, you're going to be for a long time. We got the message. Thank you. We just had some happy moments here and recognizing the National Guards and hearing from our colleague, Senator Oke but sometimes there are also sadness that comes into our lives and this morning just scrolling across the TV screen was the reported that thirty marines whose plane had been shot down in Iraq did not think it was terrorist or what might have given away. So, Mr. President in that regard, I would ask if we could have a moment of silence for those thirty lives lost."

MOMENT OF SILENCE

The Senate observed a moment of silence in memory of the thirty Military personnel who lost their lives in Iraq.

PERSONAL PRIVILEGE

Senator Schmidt: "A point of personal privilege. Thank you Mr. President. I just want to thank you Mr. President. I just want to make one quick note. We have a tradition here in the Senate that you know about giving your first speech and the need to basically give a little present to everybody. I wanted to make sure that everybody knew and recognized that one of our newest members, Senator Benson is also a member, he's a Major in the Air National Guard and Brad, how long have you been serving, total of twelve years so he wanted to stand up and speak today but you know the tradition that we have but he didn't but just please recognize that he's a very dedicated Guardsman as well so thank you for hearing that."

MOTION

At 10:48 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President for the purpose of a Rules Meeting.

The Senate was called to order at 11:41 a.m. by President Owen.

MOTION

On motion of Senator Eide, the Senate reverted to the first order of business.

REPORTS OF STANDING COMMITTEES

January 25, 2005

SB 5372 Prime Sponsor, Berkey: Requiring notice to water and sewer districts of changes that require relocating facilities.
Reported by Committee on Water, Energy & Environment

MAJORITY recommendation: Without recommendation. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Fraser, Hewitt, Honeyford, Morton, Mulliken, Pridemore and Regala

Passed to Committee on Government Operations & Elections.

MOTION

On motion of Senator Eide, the measures listed on the Standing Committee report was referred to the committee as designated.

MOTION

On motion of Senator Eide, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 5461 by Senator Fairley

AN ACT Relating to costs of incarceration; and amending RCW 9.94A.760 and 10.01.160.

Referred to Committee on Human Services & Corrections.

SB 5462 by Senators McCaslin and Kastama

AN ACT Relating to term limits for the legislative ethics board; and amending RCW 42.52.310.

Referred to Committee on Government Operations & Elections.

SB 5463 by Senators Doumit and Morton

AN ACT Relating to recreational vehicle appurtenances; and adding a new section to chapter 46.44 RCW.

Referred to Committee on Transportation.

SB 5464 by Senators Rasmussen, Brandland, Kline, Spanel, Haugen, Rockefeller and Shin

AN ACT Relating to nonpartisan sheriffs; amending RCW 29A.52.111, 29A.52.210, 29A.52.220, and 29A.52.231; and adding a new section to chapter 36.28 RCW.

Referred to Committee on Government Operations & Elections.

SB 5465 by Senators Rasmussen and Morton

AN ACT Relating to the taxation of land valued under the open space program; and amending RCW 84.34.108, 84.34.055, 84.34.070, 84.34.080, 84.34.090, 84.34.100, 84.34.150, and 84.34.155.

Referred to Committee on Agriculture & Rural Economic Development.

SB 5466 by Senators Parlette, Honeyford, Deccio, Mulliken, Hewitt and Delvin

AN ACT Relating to the calculation of wages under industrial insurance provisions; and amending RCW 51.08.178.

Referred to Committee on Labor, Commerce, Research & Development.

SB 5467 by Senators Kastama, Rasmussen, Oke and Schmidt

AN ACT Relating to defining veteran for certain purposes; and amending RCW 41.04.007.

Referred to Committee on Government Operations & Elections.

SB 5468 by Senator Fairley

AN ACT Relating to insurance requirements for motorcycles, motor-driven cycles, and mopeds; amending RCW 46.30.020, 46.04.382, 48.22.005, and 48.22.030; and adding a new section to chapter 48.05 RCW.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

SB 5469 by Senators Schmidt, Regala, Fairley, Esser, Shin, Roach, Rasmussen, Kohl-Welles and Brown

AN ACT Relating to individual development accounts; reenacting and amending RCW 43.79A.040; adding new sections to chapter 43.31 RCW; creating a new section; and making an appropriation.

Referred to Committee on International Trade & Economic Development.

SB 5470 by Senators Franklin, Thibaudeau, Keiser, Kline, Poulsen, Berkey, Haugen, McAuliffe, Rockefeller, Shin and Kohl-Welles

AN ACT Relating to importation of prescription drugs from Canadian wholesalers; amending RCW 18.64.046; adding a new section to chapter 18.64 RCW; and creating new sections.

Referred to Committee on Health & Long-Term Care.

SB 5471 by Senators Thibaudeau, Keiser, Fraser, Berkey, Poulsen, Kline, Franklin, Brown, Haugen, McAuliffe, Rockefeller and Kohl-Welles

AN ACT Relating to authorizing a prescription drug purchasing consortium; adding new sections to chapter 70.14 RCW; and creating a new section.

Referred to Committee on Health & Long-Term Care.

SB 5472 by Senators Keiser, Thibaudeau, Poulsen, Fraser, Brown, McAuliffe, Rockefeller and Kohl-Welles

AN ACT Relating to private participation in public employees' benefits board programs; amending RCW 41.05.011 and 41.05.021; adding a new section to chapter 41.05 RCW; and creating a new section.

Referred to Committee on Health & Long-Term Care.

SB 5473 by Senators Keiser, Deccio, Parlette, Pflug and Kohl-Welles

AN ACT Relating to prohibiting civil or criminal liabilities or penalties for actions related to the Washington state health insurance pool; and amending RCW 48.41.190.

Referred to Committee on Health & Long-Term Care.

SB 5474 by Senators Kastama, Schmidt and Eide

AN ACT Relating to allowing water-sewer districts to consider fees in selecting engineering services; reenacting and amending RCW 57.08.050; and adding a new section to chapter 39.80 RCW.

Referred to Committee on Government Operations & Elections.

SB 5475 by Senators Kline and Kohl-Welles

AN ACT Relating to the assault weapons ban of 2005; amending RCW 9.41.010 and 9.94A.515; reenacting and amending RCW 9.94A.515; adding a new section to chapter 9.41 RCW; prescribing penalties; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Judiciary.

SB 5476 by Senators Kline, Brandland, Fairley, Esser, Kastama, Shin, Pridemore, Weinstein, Haugen, Berkey, Prentice, Rockefeller and Kohl-Welles

AN ACT Relating to advisory sentencing guidelines; amending RCW 9.94A.030, 9.94A.480, 9.94A.530, and 9.94A.535; reenacting and amending RCW 9.94A.505; adding new sections to chapter 9.94A RCW; creating a new section; and declaring an emergency.

Referred to Committee on Judiciary.

SB 5477 by Senators Kline, Brandland, Hargrove, Esser, Fairley, Kastama, Shin, Pridemore, Weinstein, Haugen, Berkey, Prentice and Rockefeller

AN ACT Relating to sentencing outside the standard sentence range; amending RCW 9.94A.530 and 9.94A.535; adding a new section to chapter 9.94A RCW; creating a new section; and declaring an emergency.

Referred to Committee on Judiciary.

SB 5478 by Senators Stevens, Benson, Swecker, Benton and Oke

AN ACT Relating to truth in describing sex education; adding new sections to chapter 28A.230 RCW; and creating a new section.

Referred to Committee on Early Learning, K-12 & Higher Education.

SB 5479 by Senators Berkey, Benton, Prentice, Esser and McAuliffe

AN ACT Relating to time periods in landlord/tenant actions; and amending RCW 59.12.070 and 59.18.370.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

SB 5480 by Senators Roach, Schoesler, Benson, Benton and Oke

AN ACT Relating to increasing penalties for manufacturing methamphetamine; amending RCW 69.50.401, 69.50.406, 69.50.415, 9.94A.518, 9.94A.533, 9.94A.610, and 13.40.0357; and prescribing penalties.

Referred to Committee on Judiciary.

SB 5481 by Senators Fairley, Kline and Shin

AN ACT Relating to the extortionate extension of credit; amending RCW 31.45.110; and prescribing penalties.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

SB 5482 by Senators Fairley, Kline and Rasmussen

AN ACT Relating to small loans; and amending RCW 31.45.073.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

SB 5483 by Senators Fairley, Kline and Franklin

AN ACT Relating to small loans; and amending RCW 31.45.073.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

SB 5484 by Senators Fairley, Kline, Shin and Rasmussen

AN ACT Relating to monitoring and reporting on check cashers and sellers; amending RCW 31.45.060; and adding a new section to chapter 31.45 RCW.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

SB 5485 by Senators Fairley and Kline

AN ACT Relating to the limits on the amount, interest, and fees for small loans; and amending RCW 31.45.073.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

SB 5486 by Senators Fairley, Kline and Rasmussen

AN ACT Relating to lending by check cashers and sellers; and adding a new section to chapter 31.45 RCW.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

SB 5487 by Senators Keiser, Hewitt, Doumit, Delvin, Pridemore, Prentice, Schoesler, McAuliffe, Berkey, Rockefeller and Kohl-Welles

AN ACT Relating to the liquor control board fully implementing a retail business plan; amending RCW 66.08.060; adding new sections to chapter 66.08 RCW; adding a new section to chapter 66.16 RCW; and repealing RCW 66.16.080.

Referred to Committee on Labor, Commerce, Research & Development.

SB 5488 by Senators Rasmussen and Schoesler

AN ACT Relating to fruit and vegetable district fund; and amending RCW 15.17.243.

Referred to Committee on Agriculture & Rural Economic Development.

SB 5489 by Senators Regala, Schmidt, Fraser, Delvin, Rasmussen, McAuliffe, Rockefeller and Kohl-Welles

AN ACT Relating to purchasing service credit in plan 2 and plan 3 of the teachers' retirement system for public education experience performed as a teacher in a public school in another state or with the federal government; adding new sections to chapter 41.32 RCW; and providing an effective date.

Referred to Committee on Ways & Means.

SB 5490 by Senators Kastama, Kline and McAuliffe

AN ACT Relating to noise prevention for motor vehicles; and amending RCW 46.37.390.

Referred to Committee on Transportation.

SB 5491 by Senators Poulsen, Benson, Kastama and Deccio

AN ACT Relating to describing when the department of health may collect a fee for infant screening services; and amending RCW 70.83.040.

Referred to Committee on Health & Long-Term Care.

SB 5492 by Senators Keiser, Deccio, Kline, Parlette, Mulliken and Pflug

AN ACT Relating to hospital reporting of restrictions on health care practitioners; amending RCW 70.41.210; and prescribing penalties.

Referred to Committee on Health & Long-Term Care.

SB 5493 by Senators Kastama, Deccio and Benson

AN ACT Relating to removing state funding restrictions from the hepatitis C state plan; and amending RCW 70.54.360.

Referred to Committee on Health & Long-Term Care.

SB 5494 by Senators Thibaudeau, Deccio, Parlette, Benson, Pflug and Kohl-Welles

AN ACT Relating to identifying health care providers covered by the retired health care provider liability malpractice insurance program; and amending RCW 43.70.460 and 43.70.470.

Referred to Committee on Health & Long-Term Care.

SB 5495 by Senators Kline, Deccio, Thibaudeau and Shin

AN ACT Relating to providing the secretary of health with authority to administer grants on behalf of the department of health; and amending RCW 43.70.005 and 43.70.040.

Referred to Committee on Health & Long-Term Care.

SB 5496 by Senators Keiser, Brandland, Parlette, Benson, Deccio and Mulliken

AN ACT Relating to inspection of hospitals; and amending RCW 70.41.120 and 70.41.122.

Referred to Committee on Health & Long-Term Care.

SB 5497 by Senators Delvin, Hewitt, Honeyford, Schoesler, McCaslin, Deccio, Mulliken, Morton, Roach, Swecker and Pflug

AN ACT Relating to allowing terminally ill members to remove themselves from their retirement plan; amending RCW 41.40.023, 41.32.010, and 41.35.030; adding new sections to chapter 41.40 RCW; adding new sections to chapter 41.32 RCW; adding new sections to chapter 41.35 RCW; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5498 by Senator Delvin

AN ACT Relating to sales tax exemptions and remittances for nonresidents; amending RCW 82.08.0273; and prescribing penalties.

Referred to Committee on Ways & Means.

SB 5499 by Senators Kastama, Berkey, Fairley, Pridemore, Franklin, Haugen, Shin, Kohl-Welles, Doumit, Rasmussen and Keiser

AN ACT Relating to election reform; amending RCW 29A.04.530, 29A.04.570, 29A.40.110, 29A.60.210, 29A.64.030, 29A.64.061, 29A.64.081, and 29A.84.650; adding a new section to chapter 29A.08 RCW; adding a new section to chapter 29A.12 RCW; adding a new section to chapter 29A.36 RCW; adding a new section to chapter 29A.40 RCW; adding new sections to chapter 29A.44 RCW; adding new sections to chapter 29A.60 RCW; adding a new section to chapter 29A.64 RCW; adding a new section to chapter 29A.84 RCW; and prescribing penalties.

Referred to Committee on Government Operations & Elections.

SB 5500 by Senators Hargrove, Stevens, Delvin and Regala

AN ACT Relating to transfer of juvenile proceedings; and amending RCW 13.40.060.

Referred to Committee on Human Services & Corrections.

SB 5501 by Senators Hargrove, Stevens, Delvin, Regala and Shin

AN ACT Relating to subjecting juvenile court services employment applicants to lie detector tests; and amending RCW 49.44.120.

Referred to Committee on Human Services & Corrections.

SB 5502 by Senators Hargrove, Stevens, Delvin and Regala

AN ACT Relating to juvenile sentencing alternatives; and amending RCW 13.40.167.

Referred to Committee on Human Services & Corrections.

SB 5503 by Senators Carrell, Benton, Schoesler, Zarelli, Pflug, Johnson, Delvin, Honeyford, Esser, Morton, Mulliken, Deccio and McCaslin

AN ACT Relating to restricting the solicitation of money or employment from the side of a public highway; amending RCW 46.63.020; adding a new section to chapter 46.61 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Transportation.

SB 5504 by Senators Carrell, Hewitt, Mulliken, Swecker, Deccio, Zarelli, Benson, Delvin, Honeyford, Stevens, Esser, Brandland, Schoesler, Roach, Benton and Oke

AN ACT Relating to aggravated multiple murder cases; amending RCW 10.95.020; and prescribing penalties.

Referred to Committee on Judiciary.

SB 5505 by Senators Carrell, Morton, Honeyford and Mulliken

AN ACT Relating to liability for inadequate storm water control in densely populated urban areas; adding a new section to chapter 90.03 RCW; and creating a new section.

Referred to Committee on Water, Energy & Environment.

SB 5506 by Senators Kohl-Welles, Fairley, Regala and Thibaudeau

AN ACT Relating to the development of policies regarding the marketing or merchandising of credit cards to students at the state's institutions of higher education; and adding a new section to chapter 28B.10 RCW.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

SB 5507 by Senator Finkbeiner

AN ACT Relating to law enforcement officer accountability when involved in traffic accidents; amending RCW 10.31.100, 46.52.030, 46.52.070, 46.52.130, and 46.63.030; and declaring an emergency.

Referred to Committee on Judiciary.

SB 5508 by Senators Doumit and Hewitt

AN ACT Relating to sales and use tax exemptions for light and power businesses; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; and providing an effective date.

Referred to Committee on Ways & Means.

SB 5509 by Senators Poulsen, Esser, Fraser, Schmidt, Pridemore, Fairley, Berkey, Kohl-Welles, Kline, Regala, Rockefeller, Weinstein, Brown, Keiser and McAuliffe

AN ACT Relating to high-performance green buildings; adding a new section to chapter 39.04 RCW; adding a new section to chapter 28B.10 RCW; adding a new section to chapter 28A.150 RCW; and adding a new chapter to Title 39 RCW.

Referred to Committee on Water, Energy & Environment.

SB 5510 by Senators Spanel and Kohl-Welles

AN ACT Relating to defining supervisor for public employment purposes; and amending RCW 41.80.005.

Referred to Committee on Labor, Commerce, Research & Development.

SB 5511 by Senators Shin, Esser, Rockefeller, Carrell, Mulliken and Benson

AN ACT Relating to liability immunity for municipal or nonprofit owned skate parks that charge nominal fees; and reenacting and amending RCW 4.24.210.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5512 by Senators Regala, Roach, Fraser, McAuliffe, Delvin, Keiser, Rockefeller, Rasmussen, Kohl-Welles and Benton

AN ACT Relating to permitting members of the teachers' retirement system plan 2 and plan 3 who qualify for early retirement or alternate early retirement to make a one-time purchase of additional service credit; adding new sections to chapter 41.32 RCW; and providing an effective date.

Referred to Committee on Ways & Means.

SB 5513 by Senators Haugen, Shin, Kohl-Welles, Rasmussen, Fairley and Prentice

AN ACT Relating to restructuring of certain transportation agencies; amending RCW 47.01.041, 47.01.071, 44.75.020, 44.75.030, 44.75.040, 44.75.050, 44.75.080, 44.75.090, 44.75.100, 44.75.110, 44.75.120, 35.58.2796, 36.78.070, 41.40.037, 43.10.101, 43.79.270, 43.79.280, 43.88.020, 43.88.030, 43.88.230, 43.105.160, 43.105.190, 44.04.260, 44.28.088, 44.40.025, 44.40.070, 44.40.100, 46.01.320, 46.01.325, 46.16.705, 46.16.715, 46.16.725, 46.23.040, 46.73.010, 47.01.145, 47.01.280, 47.04.210, 47.04.220, 47.06.110, 47.06A.020, 47.12.360, 47.17.850, 47.26.167, 47.26.170, 47.46.030, 47.46.040, 47.74.020, 47.76.340, 79A.05.125, 81.80.395, 81.104.110, 82.33.020, 82.70.060, and 82.80.070; reenacting and amending RCW 47.01.101 and 90.03.525; reenacting RCW 43.59.150; adding a new section to chapter 47.01 RCW; creating new sections; repealing RCW 44.28.161, 44.40.010, 44.40.013, 44.40.015, 44.40.030, 44.40.040, 44.40.090, 44.40.140, 44.40.150, 44.40.161, and 53.08.350; providing an effective date; and providing an expiration date.

Referred to Committee on Transportation.

SB 5514 by Senators Keiser, Fraser, Delvin, Regala, Pflug and Rasmussen

AN ACT Relating to choosing a reduced retirement allowance under the law enforcement officers' and fire fighters' retirement system, plan 1; amending RCW 41.26.164; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5515 by Senators Regala, Esser, Kline, Poulsen, Rockefeller, Brandland, Fraser, Kohl-Welles, Brown, Keiser, Pridemore and Shin

AN ACT Relating to brominated flame retardants; adding a new chapter to Title 70 RCW; and prescribing penalties.

Referred to Committee on Water, Energy & Environment.

SB 5516 by Senators Thibaudeau, Deccio, Benton, Keiser, Pflug, Rockefeller, Prentice, Kohl-Welles, Franklin, McAuliffe and Benson

AN ACT Relating to independent prescriptive authority for advanced registered nurse practitioners; amending RCW 18.79.240; and repealing RCW 18.57.280, 18.71.370, and 18.79.320.

Referred to Committee on Health & Long-Term Care.

SB 5517 by Senators Doumit, Benton, Parlette, Regala, Zarelli, Fraser, Mulliken, McAuliffe, Rasmussen and Benson

AN ACT Relating to vesting after five years of service in the defined benefit portion of the public employees' retirement system, the school employees' retirement system, and the teachers' retirement system plan 3; and amending RCW 41.32.875, 41.35.680, and 41.40.820.

Referred to Committee on Ways & Means.

SB 5518 by Senators Eide, Swecker, Spanel, Stevens, Mulliken, Rasmussen and Benson

AN ACT Relating to subagents' fees; and amending RCW 46.01.140.

Referred to Committee on Transportation.

SB 5519 by Senators Stevens, Swecker, Eide, Spanel, Mulliken and Rasmussen

AN ACT Relating to vehicle licensing subagents; and amending RCW 46.01.140.

Referred to Committee on Transportation.

SB 5520 by Senators Keiser, Rasmussen, Hewitt, Oke and Franklin

AN ACT Relating to participating in insurance plans and contracts by separated plan 2 members of certain retirement systems; and amending RCW 41.05.011.

Referred to Committee on Ways & Means.

SB 5521 by Senators Rasmussen, McAuliffe, Schmidt, Oke, Keiser, Shin, Thibaudeau, Kline, Kohl-Welles and Benson

AN ACT Relating to military service credit; amending RCW 41.32.810, 41.35.470, and 41.40.710; and reenacting and amending RCW 41.04.005.

Referred to Committee on Government Operations & Elections.

SB 5522 by Senators Franklin, Weinstein, Keiser, Kastama, Zarelli, Rasmussen, Hewitt, Kline, Schmidt and Rockefeller

AN ACT Relating to purchasing service credit lost due to injury; and adding a new section to chapter 41.40 RCW.

Referred to Committee on Ways & Means.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

STANDING COMMITTEE ASSIGNMENTS

The President announced the following change to the 2005 Senate Standing Committee assignments. Senator Rasmussen is appointed to replace Senator Kohl-Welles on the Committee on Judiciary.

MOTION

There being no objection, the Senate advanced to the sixth order of business.

SECOND READING

SENATE BILL NO. 5048, by Senators Oke, Brown, Keiser, Swecker, Kline, Morton, Rockefeller, Deccio, Thibaudeau, Finkbeiner, McAuliffe, Sheldon, Rasmussen, Spanel, Berkey, Eide, Doumit, Regala, Kohl-Welles, Jacobsen, Franklin, Haugen, Fraser, Kastama and Weinstein

Prohibiting tobacco product sampling.

The measure was read the second time.

MOTION

On motion of Senator Oke, the rules were suspended, Senate Bill No. 5048 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Oke and Kohl-Welles spoke in favor of passage of the bill.

Senator Roach spoke against passage of the bill.

MOTION

On motion of Senator Regala, Senator Sheldon was excused.

Senator McCaslin spoke in favor of passage of the bill.

MOTION

On motion of Senator Mulliken, Senator Zarelli was excused.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5048.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5048 and the bill passed the Senate by the following vote: Yeas, 38; Nays, 9; Absent, 0; Excused, 2.

Voting yea: Senators Berkey, Brandland, Brown, Carrell, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Schmidt, Shin, Spanel, Swecker, Thibaudeau and Weinstein - 38

Voting nay: Senators Benson, Benton, Delvin, Hewitt, Honeyford, Mulliken, Roach, Schoesler and Stevens - 9

Excused: Senators Sheldon and Zarelli - 2

SENATE BILL NO. 5048, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 11:56 a.m., on motion of Senator Eide, the Senate adjourned until 12:00 noon, Thursday, January 27, 2005.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate